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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 DANNY GEROME YOUNG,

11 Plaintiff,

No. CIV S-03-2225 GEB KJM P

12 vs.

13 J. PULSIPHER, et al.,

14 Defendants.

ORDER

15 \_\_\_\_\_/  
16 Plaintiff is a state prison inmate proceeding pro se with a civil rights action under  
17 42 U.S.C. § 1983. On July 7, 2006, he filed a request for permission to submit an additional  
18 document, recovered from a box of records returned to him by correctional authorities after he  
19 had filed his opposition to defendants' motion for summary judgment. Defendants have not  
20 opposed the motion.

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1 A court may consider only admissible evidence in support of a motion for  
2 summary judgment. Orr v. Bank of America, NT & SA, 285 F.3d 764, 773 (9th Cir. 2002).

3 Authentication is a “condition precedent to admissibility,” and this  
4 condition is satisfied by “evidence sufficient to support a finding  
5 that the matter in question is what its proponent claims.” Fed. R.  
Evid. 901(a) . . . [U]nauthenticated documents cannot be  
considered in a motion for summary judgment.

6 Id.; Hal Roach Studios v. Richard Feiner and Company, Inc., 896 F.2d 1542, 1550-51 (9th Cir.  
7 1989). Because the “Inmate Request For Interview” form is not authenticated, the court will not  
8 consider it unless plaintiff authenticates it within thirty days of the date of this order. Should  
9 plaintiff not do so, the court will not consider this exhibit in its resolution of the pending motion  
10 for summary judgment.

11 IT IS SO ORDERED.

12 DATED: December 1, 2006.

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14 U.S. MAGISTRATE JUDGE

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